

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DEUTSCHE BANK TRUST COMPANY
AMERICAS, in its capacity as successor indenture
trustee for certain series of Senior Notes, *et al.*,

Plaintiffs,

v.

SOWOOD ALPHA FUND, LP, *et al.*,

Defendants.

C.A. No. 11-618 GMS

**STIPULATION AND PROPOSED ORDER TO
EXTEND TIME TO RESPOND TO COMPLAINT**

WHEREAS Plaintiffs have filed a motion seeking a stay of this action pending further order of this Court or of the United States Bankruptcy Court for the District of Delaware; and

WHEREAS the Defendant Jessnick Partners, L.P. ("Jessnick") has requested, and Plaintiffs have agreed to, an extension of the time for the Stipulating Defendants to answer, move, or otherwise respond to the Complaint;

NOW THEREFORE, it is hereby STIPULATED AND AGREED, subject to the approval of the Court, as follows:

1. Jessnick's time to answer, move or otherwise respond to the Complaint is extended sixty days, to November 22, 2011, unless the Court orders otherwise and subject to any stay of proceedings then in effect;
2. Jessnick agrees that, by entering into this stipulation, Jessnick does not waive any defenses or rights provided by statute or common law, including, but not limited to, any and all defenses based on personal jurisdiction or any other rights or defenses provided by the Federal Rules of Civil Procedure (the "Rules"); provided, however, that Jessnick waives all defenses

based upon insufficient service of the Summons and Complaint in the above-captioned matter under Rule 4 of the Rules; and

3. This stipulation is filed without prejudice to Plaintiffs' right to seek remand of this action to the Delaware Superior Court; object to the asserted jurisdictional grounds for removal; or otherwise challenge, dispute or disagree with the removal of this action to this Court.

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Attorneys for Defendant Jessnick Partners, L.P.

Dated: September 22, 2011

It is **SO ORDERED**.

Dated: _____, 2011

/s/Andrew D. Cordo

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Gregory M. Sleet
Chief United States District Judge